



03-05-04

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	10/714,485
		Filing Date	November 14, 2003
		First Named Inventor	Kevin L. Tally
		Group Art Unit	
		Examiner Name	
Total Number of Pages in This Submission		Attorney Docket Number	10628.00087

## ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment / Response  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input checked="" type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/ Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application)  <input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  PTO SB/08A; Copy of cited references; Certificate of Mailing by Express Mail; Return Receipt Postcard.
		Remarks  The Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 19-0733. A duplicate copy of this sheet is enclosed.  Express Mail No. EV 306401915 US

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Jon O. Nelson, Banner & Witcoff, Ltd.
Signature	
Date	March 4, 2004

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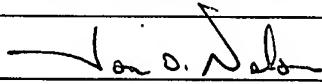
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<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
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<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  PTO SB/08A; Copy of cited references; Certificate of Mailing by Express Mail; Return Receipt Postcard.
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		Remarks  The Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 19-0733. A duplicate copy of this sheet is enclosed.
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		Express Mail No. EV 306401915 US

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Firm or Individual name	Jon O. Nelson, Banner & Witcoff, Ltd.
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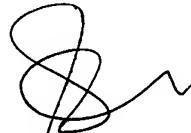


**CERTIFICATE OF MAILING  
(PATENT APPLICATION)**

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Deposited March 4, 2004

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By:   
(person *actually* depositing)

In the Application of: Kevin L. Tally  
Serial No. 10/714,485  
Title: LED Flashlight Construction  
Attorney Docket No. 10628.00087

- Transmittal Form, in duplicate
- Information Disclosure Statement
- PTO SB/08A
- Copy of Cited References
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EV 306401915 US PA  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
Attorney Docket No. 10628.00087

In the Application of:  
Kevin L. Tally  
Serial No. 10/714,485  
Filed: November 14, 2003  
For: LED Flashlight Construction

## **INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA, 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and 1.98, the Applicant wishes to make the following references of record in the above-identified application. This Information Disclosure Statement is in compliance with the continuing duty of candor as set forth in 37 C.F.R. § 1.56. Copies of the publications and Internet sites cited below are enclosed. Copies of the patents cited are not enclosed.

The references are also listed on the enclosed and completed PTO SB/08A.

This Information Disclosure Statement is filed under 37 C.F.R. § 1.97(b) within three months of this application's filing date or before the mailing date of a first Office Action on the merits. Accordingly, there is no fee due for filing this Information Disclosure Statement.

**BANNER & WITCOFF, LTD.**  
Ten South Wacker Drive  
Chicago, Illinois 60606  
(312) 463-5000  
310580

Under 37 C.F.R. § 1.97(g), the filing of this Information Disclosure Statement shall not be construed as a representation that a search has been made.

Under 37 C.F.R. § 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the cited references are, or are considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

**U.S. Patents**

1. U.S. Patent No. 4,777,582 issued October 11, 1988 to Sharrah.
2. U.S. Patent No. 4,888,670 issued December 19, 1989 to Sharrah.
3. U.S. Patent No. 5,601,359 issued February 11, 1997 to Sharrah et al.
4. U.S. Patent No. 5,674,000 issued October 7, 1997 to Kalley.
5. U.S. Patent No. 5,742,066 issued April 21, 1998 to Cavestri.
6. U.S. Patent No. 5,788,364 issued August 4, 1998 to Cooper et al.
7. U.S. Patent No. 5,959,306 issued September 28, 1999 to Kalley et al.
8. U.S. Patent No. 5,975,712 issued November 2, 1999 to Shiao.
9. U.S. Patent No. 6,200,134 B1 issued March 13, 2001 to Kovac et al.
10. U.S. Patent No. 6,355,935 B1 issued March 12, 2002 to Kalley et al.
11. U.S. Patent No. 6,402,340 issued June 11, 2002 to Sharrah et al.
12. U.S. Patent No. 6,491,408 B1 issued December 10, 2002 to Cooper et al.
13. U.S. Design Patent No. D380,858 issued July 8, 1997 to Sharrah et al.
14. U.S. Design Patent No. D381,812 issued August 5, 1997 to Sharrah et al.
15. U.S. Design Patent No. D409,777 issued May 11, 1999 to Sharrah et al.

16. U.S. Design Patent No. D427,347 issued June 27, 2000 to Sharrah et al.
17. U.S. Design Patent No. D427,702 issued July 4, 2000 to Sharrah et al.
18. U.S. Design Patent No. D430,321 issued August 29, 2000 to Sharrah et al.
19. U.S. Design Patent No. D445,928 issued July 31, 2001 to Sharrah et al.
20. U.S. Design Patent No. D452,024 issued December 11, 2001 to Sharrah.

Other References

9. *Professional Tool & Equipment Distributor*, April 2003, Vol. 11, #2, page 9, Stylus Reach LED flashlight.
10. [Http://www.uview.com/What\\_s\\_New/body\\_what\\_s\\_new.html](http://www.uview.com/What_s_New/body_what_s_new.html), April 9, 2003, #413050, Flex-Lite.
11. [Http://www.mastercool.com/press\\_releases.html](http://www.mastercool.com/press_releases.html), April 9, 2003, #53512, Flex 'n Glow Mini UV Light.
12. [Http://www.mastercool.com/homepage.html](http://www.mastercool.com/homepage.html), April 9, 2003, #53515, Mach IV Flexible Quad UV Light.

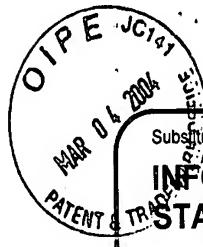
Please charge any fees or credit overpayment associated with this paper to Deposit Account No. 19-0733.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Date: March 4, 2004

By: Jon O. Nelson  
Jon O. Nelson  
Reg. No. 24,566



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Substitute for form 1449A/PTO		Complete if Known	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>			
(use as many sheets as necessary)			
Sheet	1	of	2
		Application Number	10/714,485
		Filing Date	November 14, 2003
		First Named Inventor	Kevin L. Tally
		Group Art Unit	
		Examiner Name	
		Attorney Docket Number	10628.00087

## **U.S. PATENT DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code <sup>2</sup> (if known)			
		US-5,674,000	10/7/1997	Kalley	
		US- 5,742,066	4/21/1998	Cavestri	
		US- 5,788,364	8/4/1998	Cooper et al.	
		US- 5,959,306	9/28/1999	Kalley et al.	
		US- 5,975,712	11/2/1999	Shiao	
		US- 6,200,134 B1	3/13/2001	Kovac et al.	
		US- 6,355,935 B1	3/12/2002	Kalley et al.	
		US- 6,491,408 B1	12/10/2002	Cooper et al.	
		US- 4,777,582	10/11/1988	Sharrah	
		US- 4,888,670	12/19/1989	Sharrah	
		US- 5,601,359	2/11/1997	Sharrah et al.	
		US- 6,402,340	6/11/2002	Sharrah et al.	
		US- D380,858	7/8/1997	Sharrah et al.	
		US- D381,812	8/5/1997	Sharrah et al.	
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		US- D427,347	6/27/2000	Sharrah et al.	
		US- D427,702	7/4/2000	Sharrah et al.	
		US- D430,321	8/29/2000	Sharrah	
		US- D445,928	7/31/2001	Sharrah et al.	
		US- D452,024	12/11/2001	Sharrah	

## **FOREIGN PATENT DOCUMENTS**

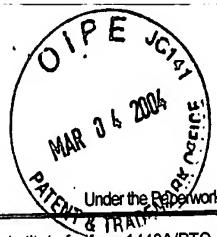
Examiner Signature		Date Considered	
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<sup>1</sup> • The unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04.

<sup>1</sup> Applicant's unique citation designation number (optional). See Kind Codes of USPTO Patent Documents at [www.uspto.gov](#).  
<sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3).<sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.<sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible.<sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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PTO/SB/08B(10-01)

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## **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet

f | 2

**Complete if Known**

**Application Number**

10714485

**Filing Date**

November 14, 2003

**First Named Inventor**

Kevin L. Tally

Group Art Unit

**Examiner Name**

— 1 —

Sheet 2 of 2 Attorney Docket Number 10628.00087

#### **OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS**

Examiner Signature		Date Considered	
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